

**Town of Milford  
Zoning Board of Adjustment Minutes  
July 18, 2013  
Paul Cunningham  
Case #2013-07  
Request for Rehearing**

Present: Fletcher Seagroves, Chairman  
Zach Tripp  
Laura Horning  
Kevin Taylor  
Paul Butler

Katherine Bauer – Board of Selectmen’s representative

Absent: Mike Thornton - Alternate

Secretary: Peg Ouellette

Request of Paul Cunningham for a rehearing of Case #2013-07; filed in accordance with RSA 677:2 and 677:3, and the Rules of Procedure, Rule XII, of the Town of Milford Zoning Board of Adjustment.

**MINUTES OF THE JULY 18, 2013 MEETING WERE APPROVED ON AUGUST 1, 2013**

Fletcher Seagroves, Chairman, opened the meeting and stated this was a request for a rehearing. Therefore, there would be no comments; there would be discussion among the Board members. Board member Paul Butler excused himself because he had not had a chance to review the case and was unfamiliar with it. The list of abutters was read. The Chair asked the other Board members if they wanted to proceed or wait until the next meeting to hear this request.

L. Horning felt, in fairness to the applicant, they should wait for a full five-member board.

K. Taylor felt it should be done at this meeting, as this case had already been postponed previously. He commented there was a five-member board sitting, even though one was excused.

Z. Tripp was undecided. He agreed with K. Taylor that since it is a long case it would be nice to keep it going without another delay, which would be fair to the applicant. At the same time, he agreed with L. Horning that the applicant deserved five voting members. He suggested a quick discussion and then deciding whether to table it.

F. Seagroves asked the board members if they wanted to do that.

K. Taylor said yes.

L. Horning was undecided.

P. Butler asked if they were going to take a vote before deciding.

L. Horning said the reason they were there was that it was about the applicant. If she were the applicant she would expect people who heard the case to be there and have the full spectrum of members who had a chance to review the extensive memo and go through the arguments as to whether there was new evidence or not. That is what they were hearing it on. It is a matter of having a five-member board that heard the original case.

F. Seagroves said there was a chance for a 2-2 tie vote. He didn't want that to happen.

L. Horning agreed.

F. Seagroves said, in all fairness, they should have five members. The applicant would be able to get a 3-person vote, whichever way. He didn't want to see a 2-2 vote.

L. Horning agreed, where the applicant does not have the opportunity to sign a waiver.

F. Seagroves stated the board has 30 days to do it. If they do it at the next meeting on August 1, they will still be within the 30 days.

Z. Tripp asked whether there would be a full board at that meeting.

L. Horning believed there would be, whether there are any other cases pending.

F. Seagroves said there were no other cases.

P. Butler felt, in fairness to the applicant, it would be better if he was able to read it and vote and participate.

F. Seagroves thought P. Butler had not sat in the original meeting, so as long as P. Butler felt comfortable making a decision.

L. Horning suggested he could view the original hearing on TV.

F. Seagroves requested a motion to postpone.

L. Horning made a motion to postpone until there is a full board.

Z. Tripp seconded.

K. Taylor voted no. All others voted yes.

Motion to postpone passed by 4 to 1 vote.